

1 CHRISTOPHER M. PETERSON
 2 Nevada Bar No.: 13932
 3 TATIANA R. SMITH
 4 Nevada Bar No.: 16627
 5 JACOB SMITH
 6 Nevada Bar No.: 16324
AMERICAN CIVIL LIBERTIES
UNION OF NEVADA
 7 4362 W. Cheyenne Ave.
 8 North Las Vegas, NV 89032
 Telephone: (702) 366-1226
 Facsimile: (702) 718-3213
 Emails: peterson@aclunv.org
 tsmith@aclunv.org
 jsmith@aclunv.org

10 MARGARET A. MCLETCHIE
 11 Nevada Bar No.: 10931
 12 LEO S. WOLPERT
 13 Nevada Bar No.: 12658
MCLETCHIE LAW
 14 602 South Tenth Street
 Las Vegas, NV 89101
 Telephone: (702) 728-5300
 Fax: (702) 425-8220
 Email: efile@nvlitigation.com

16 *Attorneys for Plaintiffs*

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT COURT OF NEVADA**

19 LISA MCALLISTER, an individual;
 20 BRANDON SUMMERS, an individual; and
 21 JORDAN POLOVINA, an individual,

22 Plaintiffs,

23 vs.

24 CLARK COUNTY, a political subdivision of
 the state of Nevada,

25 Defendant.

26 Case Number: 2:24-cv-00334

27 **Order to
 Extend Time for Discovery Deadlines
 (Third Request)**

28 The Parties hereby stipulate and agree to extend the Discovery Plan and Scheduling Order
 an additional 60 days. This stipulation is sought in good faith and not for the purposes of delay.

1 **I. Status of discovery**

2 Discovery conducted before the second stipulation to extend time for discovery was
3 submitted to this Court is *italicized*.

4 **A. Plaintiffs' discovery**

5 1. *Plaintiffs' Initial Disclosure of Witnesses and Documents Pursuant to FRCP 26.1(a)(1)*
6 *dated May 20, 2024.*

7 2. *Plaintiffs' First Supplemental Disclosure of Witnesses and Documents Pursuant to FRCP*
8 *26.1(a)(1) dated September 17, 2024.*

9 3. *Plaintiffs' First Set of Requests for Production to Defendant dated September 25, 2024.*

10 4. *Plaintiffs' First Set of Interrogatories to Defendant dated October 4, 2024.*

11 5. Plaintiffs' Motion to Compel and Motion for Sanctions dated January 24, 2025.

12 6. Plaintiffs' Second Set of Interrogatories to Defendant dated and served February 6, 2025.

13 7. Plaintiffs' Second Set of Requests for Production to Defendant dated and served February
14 6, 2025.

15 8. Plaintiffs' First Set of Requests for Admission dated and served February 6, 2025.

16 9. Plaintiffs' Notice of Subpoena for Documents for Las Vegas Metropolitan Police
17 Department dated February 5, 2025.

18 10. Plaintiffs' Notice of Subpoena for Documents for William H. Sousa dated February 5,
19 2025.

20 11. Plaintiffs' Subpoena for Documents addressed to the Las Vegas Metropolitan Police
21 Department dated February 20, 2025.

22 12. Plaintiffs' Reply in Support of Motion to Compel and Motion for Sanctions dated February
23 21, 2025.

24 13. Plaintiffs' Subpoena for Deposition of William H. Sousa was sent dated March 3, 2025.

25 14. Plaintiffs' Subpoena for Documents addressed to William H. Sousa dated March 3, 2025.

26 15. Plaintiffs' Third Set of Interrogatories to Defendant dated March 12, 2025.¹

27
28 ¹ Defendant will respond to this interrogatory within 14 days as agreed upon at the March 12,
2025, meet and confer.

1 **B. Defendant's discovery**

2 16. *Defendant's Initial Disclosure of Witnesses and Documents Pursuant to FRCP 26.1(a)(1)*

3 *dated September 17, 2024.*

4 17. *Defendant's Answers to Plaintiffs' First Set of Interrogatories to Defendant dated*

5 *November 14, 2024.*

6 18. *Defendant's Responses to Plaintiffs' First Set of Requests for Production to Defendant*

7 *dated November 14, 2024.*

8 19. *Defendant's First Supplemental Disclosures dated November 14, 2024.*

9 20. *Defendant's Second Supplemental Disclosures dated December 17, 2024.*

10 21. *Defendant's Third Supplemental Disclosures dated December 19, 2024.*

11 22. *Defendant's Fourth Supplemental Disclosures dated January 8, 2025.*

12 23. *Defendant's First Supplemental Responses to Plaintiff's First Request for Production*

13 *dated January 9, 2025.*

14 24. *Defendant's Fifth Supplemental Disclosures dated January 16, 2025.*

15 25. Defendant's Opposition to Plaintiffs' Motion to Compel and Motion for Sanctions and

16 Countermotion for Protective Order and Sanctions date February 7, 2025.

17 26. Defendant's Initial Expert Disclosure for William Sousa dated February 25, 2025.

18 27. Defendant's Answer to Plaintiffs' Second Set of Requests for Production dated March 3,

19 2025.

20 28. Defendant's Answer to Plaintiffs' First Set of Requests for Admission dated March 3,

21 2025.

22 29. Defendant's Sixth Supplemental Disclosure dated March 3, 2025.

23 30. Defendant's Answer to Plaintiffs' Second Set of Interrogatories dated March 5, 2025.

24 31. Defendant's First Set of Requests for Admissions to Plaintiffs dated March 6, 2025.

25 32. Defendant's First Set of Interrogatories to Plaintiffs dated March 6, 2025.

26 **C. Parties' joint discovery and Court orders**

27 33. *Meet and confer between counsel for Plaintiffs and Defendant Clark County held on*

28 *December 19, 2024, from approximately 15:00 PST to 17:00 PST regarding Plaintiffs First Set of*

1 *Interrogatories and Request for Production.*

2 34. *Stipulation to amend complaint filed on January 6, 2025.*

3 35. Meet and confer held on February 18, 2025, from approximately 15:00 PST to 16:00 PST
4 between counsel for Plaintiffs and Defendant Clark County regarding the notices of subpoenas to
5 William H. Sousa and Las Vegas Metropolitan Police Department.

6 36. Court Order on Plaintiffs' Motion to Compel and Defendant's Motion for Protective Order
7 dated March 5, 2025.

8 37. Meet and confer held on March 12, 2025, from approximately 10:00 PST to 11:30 PST,
9 between counsel for Plaintiffs and Defendant Clark County regarding Plaintiffs' First and Second
10 Set of Interrogatories, Plaintiffs' First and Second Set of Requests for Production, and Plaintiffs'
11 First Set of Requests for Admission.

12 **II. Discovery that remains to be completed**

13 **A. Additional disclosures following March 12, 2025, meet and confer.**

14 38. Defendant Clark County agreed to provide additional documents and communications
15 based upon parameters agreed upon at March 12, 2025, meet and confer.

16 39. New disclosures will include materials from criminal cases charged pursuant CCC
17 16.13.030 in possession of Defendant Clark County's District Attorney's Criminal Division,
18 communications and other documents related to pedestrian traffic on the bridges, and the results
19 of key word searches of email communications sent to and from specific County employees and
20 email account handles.

21 40. Defendant Clark County expects that disclosure following this meet and confer will be
22 significant and the current prediction is thousands of documents comprising approximately a
23 terabyte of electronic files.

24 41. Depending on the result of the agreed upon searches, parties believe that additional
25 searches may need to occur either to limit the scope of documents produced or the recover
26 documents not previously identified prior to the search.

27 42. Defendant Clark County's counsel will need additional time to complete the agreed upon
28 searches due to a pressing family emergency.

1 43. Defendant Clark County will also amend its privilege log for previously disclosed
2 communications between the Clark County District Attorney's Office and a Clark County
3 employee in relation to CCC 16.13.030.

4 **B. Discovery related to William H. Sousa**

5 44. Deposition of William H. Sousa is currently scheduled for March 19, 2025; however, this
6 deposition will need to be rescheduled due to Defendant Clark County counsel's and Sousa's
7 unavailability.

8 45. Disclosure of documents from William H. Sousa originally scheduled for March 17, 2025;
9 currently in discussions to reschedule to early March 26, 2025.

10 46. After discussing with Plaintiffs' counsel during the March 12, 2025, meet and confer,
11 Defendant Clark County is amending its expert witness notice and disclosures to provide data
12 Sousa relied upon in reaching the conclusions provided in his report as required by FRCP
13 26(a)(2)(B)(ii).

14 47. Plaintiffs having been actively working to secure a rebuttal expert. The following
15 information is relevant to this effort:

- 16 a. Since the expert retained by County covers County's stated interests of reducing
17 criminal disorder and addressing threat of "crowd crush" on the pedestrian bridges,
18 this may require multiple rebuttal witnesses.
- 19 b. Plaintiffs need the data Sousa relied upon to adequately inform potential rebuttal
20 expert.
- 21 c. Plaintiffs are still reviewing the documents disclosed this month by LVMPD and
22 Defendant Clark County to determine whether they would be relevant to rebutting
23 Sousa's opinion.
- 24 d. Plaintiffs have contacted multiple potential candidates but are still going through a list
25 of referrals and have also contacted multiple professional networks.
- 26 e. Plaintiffs have conducted a full interview of a potential candidate and intend to
27 conduct more as candidates confirm that they are qualified to serve as an expert on the
28 opinions identified in Sousa's report.

1 **C. LVMPD Subpoena**

2 48. After meeting and conferring with Defendant Clark County, Plaintiffs served a
3 subpoena duces tecum on LVMPD.

4 49. LVMPD complied in part and objected in part to Plaintiff's subpoena.

5 50. Plaintiff's counsel is arranging a meet and confer with Las Vegas Metropolitan
6 Police Department regarding the scope of redactions and documents withheld in LVMPD's
7 response to Plaintiffs' subpoena. Based on current discussions, the meet and confer will likely take
8 place the week of March 17, 2025.

9 51. The records in LVMPD's possession related to data collected from the pedestrian
10 bridges is likely relevant to Sousa's testimony.

11 **D. Other discovery**

12 52. Plaintiff intends to conduct a 30(b)(6) deposition of Defendant Clark County following the
13 disclosure of documents as agreed upon during the March 12, 2025, meet and confer.

14 53. Plaintiff intends to depose Kaizad Yazdani, who was disclosed by Clark County as
15 potential witness, Defendant Clark County indicated that it will be disclosing additional documents
16 in Yazdani's possession following the March 12, 2025, meet and confer.

17 54. Plaintiff intends to depose an employee of Kimley Horn as that entity conducted multiple
18 pedestrian studies in Resort Corridor over multiple years including studies regarding the pedestrian
19 bridges.

20 a. Defendant Clark County is potentially disclosing additional documents related to
21 Kimley Horn's work on behalf of the County in the context of those studies.

22 55. Parties may need to depose other witnesses depending on the documents disclosed by
23 Defendant Clark County following meet and confer.

24 56. Plaintiffs will need to respond to Defendant Clark County's outstanding Interrogatories
25 and Requests for Admission.

26 **III. Why an extension is necessary**

27 The Parties seek a 60-day extension for the current discovery deadlines in the Discovery
28 Plan and Scheduling Order [ECF No. 54]. This extension is necessary for the Parties to adequately

1 conduct discovery for the following reasons. The Parties together request this in good faith and to
2 further the resolution of this complicated case on the merits, possible settlement and not for any
3 purpose of delay.

4 Pursuant to Local Rule 26-3, a stipulation to extend a deadline set forth in a discovery plan
5 must be submitted to the Court no later than twenty-one (21) days before the expiration of the
6 subject deadline and be supported by a showing of good cause (“A motion or stipulation to extend
7 any date set by the discovery plan, scheduling order, or other order must, in addition to satisfying
8 the requirements of LR IA 6-1, be supported by a showing of good cause for the extension.”).
9 Here, the Parties contend that good cause exists to extend these deadlines.

10 The parties have been diligently engaging in discovery. Since the previous request for an
11 extension of time Plaintiffs’ have sent sets of interrogatories, requests for production, and requests
12 for admission to Defendant. Plaintiffs’ have also noticed, met and conferred with the Defendant
13 and then served subpoenas for documents to the Las Vegas Metropolitan Police Department and
14 William H. Sousa. Plaintiffs have already met and conferred with counsel for Las Vegas
15 Metropolitan Police Department and another meet and confer (now with outside counsel) is now
16 scheduled for next week.

17 In turn, Defendant Clark County has noticed an expert witness, answered Plaintiffs’
18 second set of interrogatories, and sent their first set of requests for admissions and interrogatories
19 to Plaintiff. Plaintiffs have already scheduled a deposition for Clark County’s expert.

20 In addition to these efforts, the parties have engaged in substantive litigation related to
21 discovery disputes. While the Court denied the parties motions without prejudice, the clarification
22 regarding the scope of discovery in the Court’s order on March 6, 2025, assisted the parties in
23 having a productive meet and confer on March 12, 2025. While outstanding issues remain between
24 the parties and some (more limited) motion practice may follow, the unresolved issues are already
25 much more narrow than they were prior to the Court’s order.

26 However, more time is needed. During the March 12th meeting Defendant Clark County
27 indicated that the anticipated response to Plaintiffs Requests for Productions would likely include
28 thousands of documents resulting in approximately a terabyte of data. Producing and then

1 reviewing this large quantity of records will require extensive work on both Parties.

2 Additionally, Defendant's counsel will be delayed in conducting this search due to a family
3 medical emergency he must attend to that will leave him unavailable throughout the week of March
4 17, 2025.

5 The expert deposition of William H. Sousa also must be conducted. This deposition was
6 originally scheduled for March 19, 2025. A response to Plaintiffs' subpoena duces tecum was also
7 scheduled for March 17, 2025. However, both Sousa and Defendant's counsel are unavailable that
8 day or any time throughout the week of March 17, 2025, requiring parties to reschedule both the
9 response and the deposition. Furthermore, the parties have agreed that Defendant Clark County
10 will be disclosing additional information related to Sousa's opinions, specifically the data he relied
11 upon in reaching his conclusions.

12 The extension will not only allow the parties to resolve outstanding issues with as limited
13 court intervention as possible, it will also allow them to sequence and organize the remaining
14 depositions efficiently, including depositions. For example, Plaintiffs believe that the
15 supplemental disclosures will be relevant to future depositions of Clark County witnesses or
16 30(b)(6) deponents.

17 Finally, Plaintiffs are actively seeking a rebuttal expert and have actively sought candidates
18 throughout late January, February, and now early March through both direct contact and
19 professional networks. Despite communicating with multiple candidates and conducting one
20 interview already, Plaintiffs are still searching for a rebuttal expert. Furthermore, Plaintiffs believe
21 that the deposition of William H. Sousa and the release of outstanding expert records will be
22 relevant in ensuring that any rebuttal expert noticed by Plaintiffs is sufficiently responsive to
23 Sousa's position.

24 For all these reasons, good cause exists to extend the deadlines and doing so will allow an
25 efficient but meaningful resolution on the merits.

26
27
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IV. Proposed schedule for completing the remaining deadlines

	Current Deadline	[Proposed] New Deadline
Amend pleadings and add parties	January 2, 2025	Past due / unchanged
Initial expert disclosures	March 3, 2025	Past due / unchanged
Rebuttal expert disclosures	April 4, 2025	June 3, 2025
Discovery cut-off	May 2, 2025	July 1, 2025
Dispositive motions due	June 2, 2025	August 1, 2025
Pretrial order due	July 2, 2025	August 31, 2025

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1 V. Extension of time to renew motion practice

2 This Court's order on March 6, 2025, [ECF 81] stated that any renewed motion practice on
 3 these discovery disputes must be brought no later than March 26, 2025. Due to the progress made
 4 during the meet and confer as well as the Parties current plan for the release of discovery the parties
 5 ask that this deadline be extended to April 25, 2025. Defendant will make any additions to its
 6 privilege log and supplement its discovery responses as discussed at the March 12, 2025, meet and
 7 confer by April 11, 2025. This will allow the Parties 14 days to negotiate any disagreements
 8 regarding discovery and renew motion practice should that be necessary.

9 Respectfully submitted by:

10 Dated: March 14, 2025.

11 /s/ Joel K. Browning

12 JOEL K. BROWNING
 Nevada Bar No.: 14489
 JEFFREY S. ROGAN
 Deputy District Attorney
 Nevada Bar No. 10734
**STEVEN B. WOLFSON DISTRICT
 ATTORNEY**
 500 South Grand Central Pkwy., Suite 5075
 Las Vegas, Nevada 89155-2215
Attorney for Defendant Clark County

13 /s/ Jacob Smith

14 CHRISTOPHER M. PETERSON
 Nevada Bar No.: 13932
 TATIANA R. SMITH
 Nevada Bar No.: 16627
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 Nevada Bar No.: 16324
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15 MARGARET A. MCLETCHIE
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 Nevada Bar No.: 12658
MCLETCHIE LAW
 602 South Tenth Street
 Las Vegas, NV 89101
Attorneys for Plaintiffs

23 **ORDER**

24 The above Stipulation is hereby GRANTED.

25 IT IS SO ORDERED:



26 UNITED STATES MAGISTRATE JUDGE

27 DATED: March 17, 2025